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14 Proposed Attorneys for  
The Roman Catholic Archbishop of San Francisco

16 UNITED STATES BANKRUPTCY COURT  
17 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

18 In re:  
19 THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,  
20  
21 Debtor and  
Debtor in Possession.

Case No. 23-30564

Chapter 11

**DECLARATION OF PAUL E. GASPARI  
IN SUPPORT OF APPLICATION TO  
EMPLOY WEINTRAUB TOBIN AS  
SPECIAL LITIGATION COUNSEL  
UNDER SECTION 327(e)**

[No Hearing Required]

Judge: Hon. Dennis Montali

26  
27 I, Paul E. Gaspari, declare:

28 1. I am an attorney duly licensed to practice law in the State of California and a

1 shareholder with Weintraub Tobin Chediak Coleman & Grodin ("Weintraub"), proposed special  
2 litigation counsel for the Roman Catholic Archbishop of San Francisco, the debtor and debtor in  
3 possession herein (the "Debtor" or "RCASF"). If called as a witness, I would and could testify  
4 competently to the matters stated herein.

5 2. This declaration is submitted pursuant to Rules 2014(a) and 2016(b) of the Federal  
6 Rules of Bankruptcy Procedure and Bankruptcy Code sections 327 and 329 in support of the  
7 *Debtor's Application to Employ Weintraub Tobin as its Special Litigation Counsel* (the  
8 "Application"). I have read the Application and hereby incorporate its factual statements.

9 3. The Debtor desires to employ Weintraub, whose address is 475 Sansome Street,  
10 Suite 510, San Francisco, CA 94111, as its special litigation counsel in this matter. A true and  
11 correct copy of the Weintraub engagement agreement is attached hereto as Exhibit 1 and  
12 incorporated herein by this reference. A true and correct copy of further details regarding the  
13 qualifications of Weintraub and its attorneys may be found at Weintraub's website at  
14 www.weintraub.com and in Exhibit 2 hereto.

15 4. The Debtor has requested the services of Weintraub because the Debtor knows the  
16 firm to be skilled in civil litigation and church law matters and that its members have substantial  
17 knowledge and experience that will enable them to perform services of special benefit to the  
18 Debtor and its estate in a cost-effective manner.

19 5. Weintraub is counsel of record for the RCASF in the pending joint coordinated  
20 proceeding in Alameda Superior Court ("JCP 5108"), where all complaints against northern  
21 California diocesan entities are being jointly administered before Judge Evelio Grillo, including  
22 complaints filed against the RCASF. I and my partner, Daniel Zamora, were appointed as  
23 Institutional Defense Liaison Counsel in the coordinated proceeding. The Tobin & Tobin firm,  
24 prior to merger with Weintraub, has acted as counsel for the RCASF since approximately 1860.

25 6. On behalf of the RCASF, Weintraub has defended the RCASF in clergy abuse  
26 litigation since at least 1988, including in and around 2003, when the statute of limitations was  
27 first opened for a one-year window ("Clergy III"). I was appointed Defense Liaison Counsel in  
28 the Clergy III coordinated proceeding. At that time, I and my firm defended the RCASF in

1 approximately 100 cases, which were resolved through trial and mediation. Through the years  
2 since 2003, Weintraub has continued to defend the RCASF in clergy abuse litigation.

3 7. In addition to services defending the RCASF against abuse claims, Weintraub also  
4 has represented the RCASF in various other, non-abuse matters, including several employment  
5 related cases. Also, as part of the services the firm provides to the RCASF, from time to time,  
6 Weintraub advises the RCASF on general legal matters.

7 8. As a result of its extensive history and prepetition representation of the RCASF and  
8 its related entities, Weintraub has acquired in-depth knowledge of the Debtor's corporate, business  
9 and litigation affairs, all of which will be involved in the Bankruptcy Case. As such, Weintraub  
10 possesses the necessary background to address the Debtor's operational, corporate, state court  
11 abuse claims litigation and related matters that may arise in the course of the Debtor's Bankruptcy  
12 Case. Accordingly, the Debtor believes Weintraub is both well qualified and uniquely able to act  
13 as its special corporate and abuse claims litigation counsel in this Bankruptcy Case in an efficient  
14 and timely manner.

15 9. The services to be performed by Weintraub are appropriate and necessary to enable  
16 the Debtor to execute faithfully its duties as Debtor in Possession and to prosecute its Bankruptcy  
17 Case with regard to its operational, corporate and abuse claim evaluation matters. Subject to  
18 further order of the Court, it is proposed that Weintraub be employed to render the following  
19 professional services:

20 a. Assist the Debtor and its primary bankruptcy counsel in the course of the  
21 Debtor's reorganization on matters falling within Weintraub's expertise or special knowledge;

22 b. Assist the Debtor with its business, transaction and non-abuse litigation  
23 work in the ordinary course of its business;

24 c. Continue to assist the Debtor in the sexual abuse litigation matters identified  
25 herein; and

26 d. Assist the Debtor, its insurance counsel and primary bankruptcy counsel in  
27 evaluating and handling the abuse claims.

28 10. Since Weintraub has served as the RCASF's abuse litigation counsel for over 35

1 years, it has extensive knowledge and experience regarding the RCASF's structure, operations and  
2 abuse claim litigation. As noted, Weintraub is counsel to the RCASF in the coordinated  
3 proceeding currently pending in Alameda County Superior Court where 537 abuse claims have  
4 been filed. Weintraub has worked extensively with Weinstein & Numbers ("W&N") on analyzing  
5 insurance and other abuse claim issues. Weintraub is experienced in serving as litigation counsel  
6 in abuse related litigation and is proposed to serve as special litigation counsel in the Bankruptcy  
7 Case.

8 11. Weintraub and the other professionals will monitor and coordinate with the other  
9 professionals in this Bankruptcy Case to ensure a clear delineation of each firm's respective roles  
10 in connection with representation of the Debtor in this Bankruptcy Case to prevent duplication of  
11 services and ensure the Bankruptcy Case is administered in the most efficient fashion possible.

12 12. Weintraub's litigation services may still be necessary post-bankruptcy filing in the  
13 pending coordinated proceeding. The plaintiffs' attorneys may seek to amend complaints or  
14 proceed in those matters against some related entities. It is the RCASF's position that the  
15 automatic stay extends to stay all litigation against the RCASF and any related entities that are  
16 covered by the same insurance policies. Any incurring of defense costs or payment of settlements  
17 by the related entities with those mutual insurance assets will impact the insurance coverage  
18 available to settle claims filed against the RCASF also.

19 13. To the best of my knowledge, information and belief, Weintraub (i) does not  
20 represent or hold any interest adverse to the Debtor or the estate with respect to the matters on  
21 which Weintraub is to be employed as required by section 327(e) of the Bankruptcy Code as  
22 modified by section 1107(b), and (ii) does not have any disqualifying connections with the Debtor,  
23 its creditors, or with any parties in interest, or with their attorneys and accountants, or with the  
24 office of the United States Trustee, or with any person employed in the office of the United States  
25 Trustee which would preclude employment. The Debtor has been informed that Weintraub will  
26 conduct an ongoing review of its files to ensure that no disqualifying circumstances arise. If any  
27 new relevant facts or relationships are discovered, Weintraub will supplement its disclosure to the  
28 Court.

1           14.     Along with my partners, I have reviewed the list of creditors provided by the Debtor  
2     and I have made reasonable inquiries of Weintraub's lawyers and staff to determine the nature of  
3     the connections described herein. Weintraub has run a computerized conflict check on the list of  
4     the Debtor's creditors as provided by the Debtor. I do not believe that any of Weintraub's current  
5     representations pose an adverse interest in connection with the case or disqualify Weintraub from  
6     representation of the Debtor as insurance counsel under section 327(e) of the Bankruptcy Code.  
7     The firm represents two other Dioceses, Monterey and San Jose, in the coordinated proceeding as  
8     well as several religious Orders. While either a Diocese or an Order or School may be a co-  
9     defendant with the Archdiocese in a particular case, their interests are not adverse and there has  
10    been full disclosure and consent amongst the clients.

11           15.     The current identity of many of the abuse claimants is not known at this time due  
12    to naming them as plaintiffs in the complaints as Doe plaintiffs. Once such information is  
13    available, Weintraub will perform a conflict check with its computerized system and supplement  
14    its disclosures, if necessary.

15           16.     To the best of my knowledge, neither I nor any other attorney or employee of  
16    Weintraub have any business or social connections with the Debtor, its creditors, their equity  
17    security holders, or with any parties in interest, their respective attorneys or accountants, or with  
18    the Office of the United States Trustee or any persons employed in the office of the United States  
19    Trustee, except as follows:

20               a.     Weintraub represents the Capuchin Franciscan Order of California in  
21    connection with abuse lawsuits filed against it. Capuchin Franciscan Order of California is a party  
22    to a long term lease of real property owned by the RCASF. Capuchin Franciscan Order of  
23    California also is named as a co-defendant in at least one abuse lawsuit filed against the RCASF.  
24    Weintraub has not and will not represent either the RCASF or the Capuchin Franciscan Order of  
25    California with respect to the long term lease, the abuse litigation with respect to claims against  
26    each other, or any other matter. Co-bankruptcy counsel will be employed by the RCASF in this  
27    bankruptcy case, such that any such issues can be addressed by other counsel if needed.

28               b.     As noted above, Weintraub represents other diocesan entities and religious

orders in abuse litigation, including entities that may be creditors of RCASF. Weintraub has not and will not act as counsel to either the Debtor or such other entities with respect to any claims against each other, if any. Co-bankruptcy counsel and special litigation counsel will be employed by the RCASF in this matter, such that any such issues can be addressed by other counsel if needed.

c. The Debtor's creditors may include entities which Weintraub currently uses in the ordinary course of its business such as Federal Express and the like.

17. I do not believe that any of these connections present a situation where Weintraub represents or holds any interest adverse to the Debtor or the estate with respect to the matters on which Weintraub is to be employed as required by section 327(e) of the Bankruptcy Code as modified by section 1107(b), or (ii) present a situation where Weintraub has any disqualifying connections with the Debtor, its creditors, or with any parties in interest, or with their attorneys and accountants, or with the office of the United States Trustee, or with any person employed in the office of the United States Trustee which would preclude employment under section 327(e).

18. Weintraub has agreed to undertake this matter at the following hourly rates which are below its standard hourly rates:

Name	Title	Hourly Rate
Paul E. Gaspari	Shareholder	\$465 per hour
Daniel C. Zamora	Shareholder	\$450 per hour
Zachary Smith	Shareholder	\$500 per hour
Audrey Millemann	Shareholder	\$450 per hour
	Associates/Contract	\$250-\$430 per hour
	Paralegals	\$205-\$240 per hour

19. Weintraub also will bill for reasonable out-of-pocket expenses such as overnight mail costs, travel expenses, recording fees, printing and reproduction costs and facsimile transmission charges, subject to Court approval.

20. For the 90 days prior to the Petition Date, Weintraub billed the RCASF monthly

1 for litigation services related to the clergy abuse cases at the hourly rates set forth above, plus costs  
2 advanced. For the 90 days prior to the Petition Date, the amount paid for fees totaled \$940,458.20  
3 and costs of \$187,441.32. All fees and costs have been paid monthly. As of the Petition Date,  
4 Weintraub holds a retainer in the amount of \$209,511.48.

5 21. Weintraub understands and has agreed that Weintraub hereafter will apply to the  
6 Court for allowances of compensation and reimbursement of expenses in accordance with the  
7 applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Bankruptcy Local Rules,  
8 the United States Bankruptcy Court Northern District of California Guidelines for Compensation  
9 and Expense Reimbursement of Professionals and Trustees, effective February 19, 2014 (the  
10 "Local Guidelines"), the U.S. Trustee Guidelines for Reviewing Applications for Compensation  
11 and Reimbursement of Expenses Filed under 11 U.S.C. § 330 by Attorneys (the "U.S. Trustee  
12 Guidelines," and together with the Local Guidelines, the "Fee Guidelines"), and any further Orders  
13 of the Court (the "Orders") for all professional services performed and expenses incurred after the  
14 Petition Date. Notwithstanding anything to the contrary contained in this Application and its  
15 supporting papers, Weintraub agrees that the relevant provisions of the Bankruptcy Code,  
16 Bankruptcy Rules, Local Rules, Local Guidelines and the Fee Guidelines will apply and prevail.

17 22. The rates set forth above are subject to annual adjustment upon 30 days' notice to  
18 the client. If at any time Weintraub increases the rates for its services, Weintraub will file a  
19 supplemental affidavit with the Court describing such increases, including justification for such,  
20 and provide notice of such increases to the United States Trustee and parties in interest as required  
21 by the Bankruptcy Code and Rules, or such other service as is prescribed by the Court if a limited  
22 notice motion is approved.

23 23. Weintraub understands and acknowledges that all compensation is subject to  
24 sections 327, 329, 330 and 331 of the Bankruptcy Code.

25 24. No promises have been received by Weintraub, or any partner, counsel, or associate  
26 of Weintraub, as to payment or compensation in connection with this Chapter 11 case other than  
27 in accordance with the provisions of the Bankruptcy Code, the Bankruptcy Rules, the Bankruptcy  
28 Local Rules, and the Fee Guidelines. Furthermore, Weintraub has no agreement with any other

1 entity to share compensation received by Weintraub or by such entity.

2 25. The Application requests approval of Weintraub's retention on rates, terms, and  
3 conditions consistent with what Weintraub charges non-chapter 11 debtors and in other chapter 11  
4 cases, namely, prompt payment of Weintraub's hourly rates, as adjusted from time to time, and  
5 reimbursement of out-of-pocket disbursements at cost or based on formulas that approximate the  
6 actual cost where the actual cost is not easily ascertainable.

7 26. The following constitutes the statement of Weintraub required by section 1103 of  
8 the Bankruptcy Code and Rule 2014(a) of the Federal Rules of Bankruptcy Procedure and the U.S.  
9 Trustee's Guidelines for Employment Applications in larger Chapter 11 cases ("UST Large Case  
10 Fee Guidelines") and to answer the specific questions posed in section D.1 of the UST Large Case  
11 Fee Guidelines.

12 a. Neither Weintraub nor any attorneys at Weintraub have increased their  
13 standard billing rates for this engagement, or made any upward adjustments based upon the  
14 geographic location of the case. In fact, Weintraub has agreed to lower rates than its standard rates  
15 for these matters.

16 b. Weintraub representation of the RCASF prior to the Petition Date was on  
17 the same terms and rates as set forth in this Application.

18 c. Any increase in applicable rates that may occur during the pendency of the  
19 case will be disclosed in accordance with the UST Large Case Fee Guidelines.

20 27. Weintraub has prepared and discussed with the RCASF a proposed estimated  
21 budget and a staffing plan. The RCASF has approved the staffing plan and budgets for post-  
22 petition period for August through December 2023, understanding that the budgets are estimates  
23 based upon the current agreed upon case strategy and information known to date.

24 I declare under penalty of perjury under the laws of the United States of America that the  
25 foregoing is true and correct. Executed on September 12, 2023 at San Francisco, California.

26 /s/ Paul E. Gaspari  
27 PAUL E. GASPARI  
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**EXHIBIT 1**

[Fee Engagement Letter]

Paul E. Gaspari  
415.772.9618 DIRECT  
pgaspari@weintraub.com

June 9, 2023

Paula Carney, Esq.  
The Archdiocese of San Francisco  
One Peter Yorke Way  
San Francisco, California 94109

**Re: Evergreen Retainer**

Dear Paula:

Thank you for asking us to memorialize an "evergreen" retainer for our continuing work for the Archdiocese. We are pleased to present this letter agreement to you. A new letter agreement may be required for future representation to expand or clarify the scope of our representation. Except as modified or expressed by any new letter, all legal services we perform will be on the terms described in this letter.

The current hourly charges for our attorneys are dependent upon the skill and experience of the individual involved. At present, the firm's hourly fees for attorney services range from \$250 to \$800. The current hourly charge for our paralegals and law clerks ranges from \$175 to \$250. The hourly rates for these matters are:

Paul E. Gaspari	\$465
Daniel C. Zamora	\$450
Benjamin J. Lewis	\$400
Jacqueline M. Simonovich	\$375
Zachary M. Smith	\$500.

We will bill monthly for all the legal services provided by our attorneys and other professional staff. In addition to hourly fees for services rendered, expenses incurred by us on your behalf will be billed to you.

This Agreement will not become effective until we receive from you a retainer in the amount of \$200,000. The retainer shall be considered an "evergreen" retainer. This means that the amount on deposit will be applied to the your invoices each month, resulting in either a reduced balance on deposit or an account receivable should the

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**weintraub tobin chediak coleman grodin** law corporation

475 Sansome Street, Suite 510, San Francisco, California 94111 | (415) 433.1400 | F (415) 433.3883 | [www.weintraub.com](http://www.weintraub.com)

Paula Carney, Esq.  
June 9, 2023  
Page 2

invoice exceed the amount on deposit. You agree that, within ten (10) days of receipt of its invoice, you will deposit with us the amount so applied in order to restore the retainer to its amount prior to such application. The retainer deposited with us shall be used to pay fees and costs on a monthly basis as they are incurred. Unless you notify us of a problem with the statement, the retainer deposit is charged for fees and costs fifteen (15) days after each month billing statement is sent to you. At the conclusion of our legal representation or at such time as the deposit is unnecessary or is appropriately reduced, the remaining balance or an appropriate part of it will be returned to you. If the retainer deposit proves insufficient to cover current expenses and fees, it may have to be increased.

You may terminate our representation at any time. We also reserve the right to withdraw from representation, including for nonpayment of fees or costs, misrepresentation or failure to disclose material facts and conflicts of interest with another client. We try to identify and discuss with our clients any situation that may lead to our withdrawal.

We look forward to our engagement in this matter and appreciate the opportunity to provide these services. At all times, please feel free to contact me to discuss any aspects of our representation, including staffing and billing matters. Please confirm your agreement by signing a copy of this letter agreement and returning it in the envelope provided.

Very truly yours,

weintraub|tobin

Paul E. Gaspari

PEG/mjc

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Paula Carney, Esq.  
June 9, 2023  
Page 3

The terms of the engagement are approved.

Dated: JUNE 20, 2023.

THE ARCHDIOCESE OF SAN FRANCISCO

By: 

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**EXHIBIT 2**

[www.weintraub.com]

**PRACTICE GROUP  
LEADER****David A. Diepenbrock**

916.558.6026

**SUB-PRACTICES**

Business Litigation

Entertainment Litigation

Real Estate Litigation

Civil Appeals &amp; Writs

Employment Litigation

Corporate Litigation

Intellectual Property  
Litigation

Trials and Arbitration

Trusts &amp; Estates Litigation

**ATTORNEYS****Ryan E. Abernethy**

Senior Attorney

**Dustin Amrein**

Senior Attorney

**Meagan D. Bainbridge**

Shareholder

**Brendan J. Begley**Certified Appellate Law  
Specialist**Ruby I. Bitzer**

Associate

**LITIGATION ATTORNEYS**

From Weintraub's inception and through its growth, litigation has been a foundational strength of the Firm and an important part of how we help our clients. Litigation is the Firm's largest group with more than 40 litigation attorneys practicing across our five California locations, which allows us to provide both local knowledge and statewide resources. The Weintraub Litigation team is made up of tested and successful trial lawyers who vigorously defend their clients in local, state, and federal proceedings.

Our attorneys handle complex litigation for companies, privately-held and family businesses, and individuals across California and nationwide. Complex business litigation can involve highly specialized areas of dispute, and our litigators include attorneys experienced in employment, corporate, intellectual property, real estate, construction, public bid disputes, breach of contract, fraud, interference with contracts, anti-trust and unfair completion, false advertising, and trade secret litigation, among others.

The Weintraub Litigation practice group includes litigation attorneys with decades of trial experience representing clients doing business in a wide range of industries. Our representation extends beyond trial to all aspects of civil writs and appeals in both state and federal court. Our attorneys, including an Appellate Law Specialist certified by the California Board of Legal Specializations, have experience in writs, post-trial motions, interlocutory, and direct appeals.

We work with our clients to craft a legal strategy for the best possible outcome, and at times that strategy may be to pursue an alternative dispute resolution (ADR) mechanism. We represent clients in arbitrations and mediations as well as judicial review.

Our goal is to determine how each particular matter fits into our clients' overall business plans. Our services are tailored to be efficient, practical, and creative. The ultimate objective is to reach an early resolution of the matter with the most cost-effective result.

# Paul E. Gaspari

Shareholder

San Francisco  
415.772.9618  
415.433.3883  
pgaspari@weintraub.com

## EXPERIENCE

**As a Litigation shareholder of the Firm, Paul advises clients on commercial law, insurance defense, public liability, real estate, and employment-related litigation.**

He routinely represents employers and their insurers, defending sexual harassment claims, discrimination, disability, and retaliation claims in state and federal courts, including DFEH and EEOC investigations and charges.

**Paul was trial and appellate counsel in the following reported cases:**

- *Orr v. Christian Bros High School* (2021-2022) U.S. App. Lexis 34810, \*1-2, 2021 WL 5493416, *cert. denied* 2022 U.S. Lexis 3852,\*1 (U.S. Oct. 3, 2022) (No. 21-1416): Summary judgment dismissing discrimination claim based on the ministerial exception affirmed by Ninth Circuit; *certiorari* denied by US Supreme Court.
- *Ridgewater Associates v. Dublin San Ramon Services District* (2010) 184 Cal.App.4th 629: Affirmed summary judgment for wastewater treatment facility accused of altering groundwater migration causing damaging to adjoining commercial properties.
- *Richelle L. v. Roman Catholic Archbishop* (2003) 106 Cal.App.4th 257: Affirmed dismissal of claim against employer for adult misconduct.
- *Juarez v. Boy Scouts of America, Inc.* (2000) 80 Cal.App.4th 87: Affirmed summary judgment in favor of Diocese, which sponsored Boy Scout troop in which molestation was alleged.
- *East Bay Asian Local Development Corp. v. State of California* (1999) 69 Cal.App.4th 1033: Affirmed constitutionality of religious institution exemption to state landmarking act.



## PRACTICE AREAS

Business Litigation  
Employment Litigation  
Labor & Employment  
Litigation  
Nonprofit Organizations  
Real Estate Litigation  
Trials and Arbitration

## BAR ADMISSIONS

California

## COURT ADMISSIONS

U.S. Supreme Court  
Ninth Circuit Court of  
Appeals  
Northern District of California  
Eastern District of California  
Central District of California  
Southern District of California

## EDUCATION

J.D., University of California,  
Hastings College of the Law,  
1977  
  
B.A., University of San  
Francisco, 1974



## Paul E. Gaspari

Shareholder

- *Bollard v. California Province* (9th Cir. 1999) 196 F.3d 940: Affirmed ministerial exception to Title VII claims in Ninth Circuit.
- *Karoutas v. HomeFed Bank* (1991) 232 Cal.App.3d 767: Established duties of trustees conducting real estate foreclosure sales.
- From 2004 through 2006, Paul served as Defense Liaison Counsel in the California Judicial Council Coordinated Proceeding entitled "Clergy Cases III," a clergy sexual abuse proceeding with over 350 claimants

Paul is a member of the Litigation, Employment, and Real Property Sections of the California State Bar. He has lectured with the Practicing Law Institute, the California Continuing Education of the Bar, and various national and local defense organizations. He is also a member of the bar of the United States Supreme Court.

Paul has been selected for inclusion in Northern California Super Lawyers by Law & Politics and San Francisco Magazine since 2005. In addition, he was appointed as a member of the San Francisco Superior Court's Mandatory Settlement Conference Panel.

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### Some examples of the litigation matters Paul has led include:

- Successfully negotiated a settlement of transgender discrimination and failure to accommodate claims brought against a major California municipality.
- Obtained defense verdict in six-week jury trial v. religious order establishing that claims of sexual abuse by two plaintiffs were false claims.
- Obtained defense verdict in 11-day binding arbitration representing real estate developer accused of falsely representing the permitted use of two commercial condominiums in downtown San Francisco under local zoning laws. Post award successfully obtained judgment in superior court confirming the award.
- Successfully negotiated over \$500 million settlements in child molestation claims against institutional defendants accused of negligent hiring, supervision, or retention.
- Obtained summary judgment for a Bay Area water and sanitation district accused of diverting groundwater migration which allegedly caused property damage to neighboring commercial buildings.



## Paul E. Gaspari

Shareholder

- Successfully settled claims against a municipality arising out of the death and injury to three young men at its civic zoo by a tiger which escaped her enclosure; successfully settled a claim against the municipality by a zookeeper who was severely injured by the same tiger during feeding one year earlier.
- Successfully obtained insurance coverage for clients sued for child abuse, sexual harassment, employee misconduct, fraud, and misrepresentation in the sale of real property.

### AFFILIATIONS & AWARDS

International Association of Defense Counsel

*Member*

State Bar of California, Litigation, Employment and Real Property Sections

*Member*

Association of Defense Counsel of Northern California

*Member*

National Diocesan Attorneys Association

*Member of Executive Committee*

Western Diocesan Attorneys Association

*Member*

San Francisco Superior Court's Mandatory Settlement Conference Panel

*Member*

### Awards

Northern California *Super Lawyer*, 2005-2023

# Daniel C. Zamora

Shareholder

San Francisco  
415.772.9639  
415.433.3883  
dzamora@weintraub.com

## EXPERIENCE

**Daniel is a shareholder and a member of the Firm's Litigation and Labor & Employment practice groups.**

Daniel's practice includes Commercial Law, Insurance Defense, and Employment-Related Litigation. He regularly represents employers in a variety of employment claims, including discrimination, retaliation, harassment, wrongful termination and defamation. He has particular expertise in defending employers against high profile tort claims based on employee misconduct. His clients include corporate employers, government agencies and non-profit organizations. Daniel is fluent in Spanish which provides him the opportunity to better serve our Spanish-speaking clientele.

Daniel has effectively handled all phases of litigation, including trial and appellate work, taking and defending lay and expert depositions, and arguing a wide range of motions. He has also handled mediations and settlement conferences resulting in resolutions of cases on favorable terms. In addition, Daniel has the experience to successfully take cases to trial if the matters cannot resolve through settlement.

Before joining the firm, Daniel was an attorney for the Solano County Public Defender's Office where he handled all aspects of his cases from arraignment through appeal, and successfully first-chaired several jury trials to verdict.

Representative Matters:

- *Ridgewater Associates v. Dublin San Ramon Services District* (2010) 184 Cal.App.4<sup>th</sup> 829: affirmed summary judgment in favor of wastewater treatment facility accused of altering ground water migration and causing damage to adjoin commercial property.



## PRACTICE AREAS

Labor & Employment  
Litigation

## BAR ADMISSIONS

California

## COURT ADMISSIONS

U.S. District Court Northern  
District of California  
U.S. District Court Eastern  
District of California  
U.S. District Court Central  
District of California

## EDUCATION

J.D., University of California,  
Berkeley, Boalt Hall School of  
Law, 2002

B.A., magna cum laude,  
University of Illinois, Urbana-  
Champaign, 1999

## Daniel C. Zamora

Shareholder

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- Member of a trial team that obtained a defense verdict for a religious client which was named one of the “Top Verdicts of 2011” in California by the legal publication, *Daily Journal*.
- Successfully defended employers in over a hundred cases of alleged employee misconduct.
- Won at trial and on appeal for client accused of breach of contract and wrongful foreclosure in a commercial loan transaction.
- Prevailed on summary judgment on behalf of a client in *Smith v. United Commercial Bank*, a breach of contract action, claiming that the client had misappropriated loan funds.
- Obtained dismissal in *Frazer v. Diocese of San Jose*, of all causes of action pled against employer for alleged employee misconduct.

### AFFILIATIONS & AWARDS

San Francisco Bar Association

*Member*

# Zachary Smith

Shareholder

Sacramento  
916.558.6083  
916.446.1611  
zsmith@weintraub.com

## EXPERIENCE

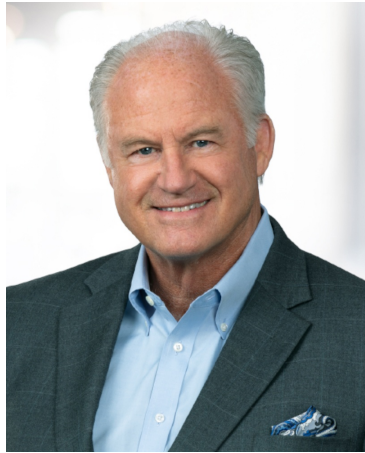
**Zac is a member of Weintraub Tobin's Litigation practice group.**

He is a Martindale-Hubbell AV-rated attorney and, for more than 40 years, has conducted jury trials, bench trials, and arbitration hearings in a broad range of cases and a variety of settings. He has extensive experience in business litigation generally and represents professionals and fiduciaries, including architects, engineers, real estate brokers, trustees, and attorneys. In addition, Zac has represented institutional and private lenders, developers, contractors, retailers, manufacturers, and corporate employers.

Zac serves as a judge pro tem, arbitrator, and mediator for the Placer County Superior and Municipal Courts, the Nevada County Superior Court, the El Dorado County Superior Court, and the American Arbitration Association. Before Zac's legal work, he was a carpenter for a residential home builder in the Santa Clara Valley and an English teacher at Head- Royce School in Oakland, California.

## Representative Matters

- Trials of multi-million dollar trust disputes.
- Litigation and settlement of complex insurance coverage and claims handling matters.
- A recent trial of a major financial fraud case resulting in a multi-million dollar verdict for the client.
- Service as mediator and arbitrator in various professional malpractice actions.



## PRACTICE AREAS

Business Litigation  
Corporate Litigation  
Litigation  
Real Estate  
Real Estate Litigation  
Trials and Arbitration  
Trusts & Estates Litigation

## BAR ADMISSIONS

California

## COURT ADMISSIONS

All Courts of the State of  
California

## EDUCATION

J.D., University of the Pacific,  
McGeorge School of Law,  
1977

*Traynor Honor Society*

B.A., Stanford University,  
1973

AFFILIATIONS & AWARDS

American Board of Trial Advocates

*Member, elected 2006*

American Bar Association

*Member*

American Arbitration Association

*Member since 1984*

Meritas, Sacramento

*Member*

**Awards**

Sacramento Magazine's Top Lawyer List, 2018 – Business Litigation

*Sacramento Business Journal's* Best of the Bar, 2018-2019

AV Preeminent *Martindale-Hubbell* Lawyer Rating

# Audrey A. Millemann

Shareholder

Sacramento  
916.558.6033  
916.446.1611  
amillemann@weintraub.com

## EXPERIENCE

**Audrey is a shareholder in the Firm's Litigation and Intellectual Property practice groups.**

She is a litigator and a registered patent attorney.

Audrey has over 35 years of experience as a business litigator handling general business disputes. Her areas of focus include intellectual property litigation (patent, trademark, trade dress, copyright, and trade secret), unfair competition (Lanham Act, Unfair Competition Law, Unfair Practices Act), and antitrust (monopolization, price discrimination, tying, price-fixing, below-cost pricing, and secret rebates under the Sherman Act, Robinson-Patman Act, and Cartwright Act). She has represented clients in federal and state courts, the Patent Trial and Appeal Board, and the Trademark Trial and Appeal Board.

In addition to litigation, Audrey has obtained US and foreign patents and trademarks, and advises clients on all issues of intellectual property law (ownership, licensing, infringement, invalidity, and patentability).

Audrey's clients have included companies and individuals in the fields of biotechnology, industrial chemistry, medical devices, health and nutraceutical products, software, agriculture, food processing, farming, education, and insurance.

Before joining Weintraub Tobin, Audrey practiced in Los Angeles, focusing on litigation involving business and entertainment. In a high-profile paternity case in Los Angeles, Audrey obtained the first court order, in any California criminal or civil case, admitting evidence of DNA "fingerprinting."

Audrey's undergraduate and graduate degrees focused on cell and developmental biology and included extensive coursework in biochemistry and genetics. During and after graduate school, Audrey worked in the area of recombinant DNA technology.



## PRACTICE AREAS

- Litigation
- Business Litigation
- Corporate Litigation
- Intellectual Property Litigation
- Intellectual Property
- Licensing and Transactions
- Intellectual Property
- Patent Prosecution
- Trademarks
- Copyrights

## BAR ADMISSIONS

- California

## COURT ADMISSIONS

- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. Court of Appeals, Ninth Circuit

- Registered to practice  
before U.S. Patent and  
Trademark Office

## EDUCATION

J.D., University of California,  
Davis, 1986

M.S., Oregon State  
University, 1982

B.S., *summa cum laude*,  
Oregon State University,  
1978

## AFFILIATIONS & AWARDS

State Bar of California, Antitrust and Unfair Competition, Intellectual Property  
Law and Litigation Sections

*Member*

Sacramento County Bar Association, Intellectual Property Law Section

*Member*

Meritas, Sacramento

*Member*

## Awards

AV® Preeminent™ Rating, Martindale-Hubbell®

*Best Lawyers in America®*, 2024 (Litigation – Intellectual Property)

*Sacramento Magazine's* Top Lawyers List, 2015-2023 – Intellectual Property,  
Litigation Intellectual Property

*Sacramento Magazine's* Top Lawyers List, 2015 – Antitrust

*Sacramento Magazine's* Top Lawyers List, 2017- Litigation-Patents

*Sacramento Magazine's* Top Lawyers List, 2019 – Trade Secrets

*Sacramento Business Journal's* Best of the Bar, 2014, 2016 & 2018-2019

*Northern California Super Lawyer*, 2004, 2007-2023